

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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| JAMES DONALD MIMMS, | : | Case No. 1:18-cv-185 |
| Plaintiff, | : | |
| | : | Judge Timothy S. Black |
| vs. | : | |
| | : | Magistrate Judge Karen L. Litkovitz |
| LINCOLN WARE, <i>et al.</i> , | : | |
| Defendants. | : | |

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 11)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on October 4, 2018, submitted a Report and Recommendation. (Doc. 11). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby **ADOPTED** in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 11) is **ADOPTED**;
2. Plaintiff's motion for reconsideration (Doc. 8) is **DENIED**; and
3. Plaintiff's motion to dismiss the complaint (Doc. 10) is **DENIED as MOOT**.

IT IS SO ORDERED.

Date: 11/21/2018

s/ Timothy S. Black
Timothy S. Black
United States District Judge